

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

WILLIE GRANT,

Plaintiff,

v.

STEPHEN BULLARD, Warden, et.al.,

Defendants.

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CV 02-PWG-2372-S

FILED  
03 MAY 13 AM 11:18  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

  
**ENTERED**  
MAY 13 2003

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on April 11, 2003, recommending that all claims against defendant Bullard, and the Fourteenth Amendment due process claims against the remaining defendants be dismissed for failing to state a claim upon which relief could be granted pursuant to 28 U.S.C. §1915A(b)(1). The magistrate judge further recommended that the Eighth Amendment cruel unusual punishment claims against Williams, Green, Benson, and Harper regarding excessive force and failure to protect, as well as the state law tort claims of assault and battery against the same defendants be referred to the magistrate judge for further proceedings. No objections have been filed.


Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, all claims against defendant Bullard, and the Fourteenth Amendment due process claims against the remaining defendants are due to be DISMISSED for failing to state a claim upon which relief could be granted pursuant to 28 U.S.C. §1915A(b)(1). Further, the Eighth Amendment cruel unusual punishment claims against Williams, Green, Benson, and Harper regarding excessive force and

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failure to protect, as well as the state law tort claims of assault and battery against the same defendants are due to be referred to magistrate judge Paul W. Greene for further proceedings thereon.

An appropriate order will be entered.

DATED this 12<sup>th</sup> day of May, 2003.

  
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Chief United States District Judge  
U. W. Clemon